

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

THOMAS MAYER,)	
)	
Plaintiff,)	
)	
v.)	Cause No.: 4:04CV00655HEA
)	
CITY OF ST. CHARLES, MISSOURI,)	
et al.,)	
)	
Defendants.)	

**DEFENDANTS/COUNTERCLAIMANTS' RULE 41 MOTION TO DISMISS
ITS COUNTERCLAIMS IN THIS ACTION**

COME NOW Defendants/Counterclaimants, by and through counsel, pursuant to Rule 41 of the Federal Rules of Civil Procedure, and hereby move this Court for leave to dismiss their Counterclaims in this cause with prejudice.

Respectfully submitted,

PLEBAN & ASSOCIATES, LLC

By: /s/ Michael J. Schaller
C. John Pleban #4066
Michael J. Schaller #104005
2010 South Big Bend
St. Louis, MO 63117
(314) 645-6666
(314) 645-7376 FAX

HELFTRY, SIMON & JONES, P.C.

By: /s/ Michael J. Schaller
Paul Simon #4373
120 South Central Ave.
Suite 1500
St. Louis, MO 63105
(314) 725-9100
(314) 725-5754 FAX

Certificate of Filing

The undersigned verifies that the foregoing was filed via the Court's electronic filing system for distribution to all counsel of record this 30th day of March 2006.

_____/s/ Michael J.Schaller_____